

**ASHBURY COURT HOMEOWNERS
ASSOCIATION BYLAWS**

NAME: The Association shall be named The Ashbury Court Homeowners Association, herein referred to as The Association. The Association will commence January 1, 2000, and its fiscal year will be January 1 through December 31.

PURPOSE: To establish a neighborhood that will preserve and protect the ownership's values, rights and privileges and provide for preservation and maintenance of yard, common properties, and ensure that private dwellings are properly maintained by property owner and/or lessee.

The Association is incorporated under the laws of the State of Texas, and is a non-profit corporation.

BOARD OF DIRECTORS: The Board of Directors will consist of at least three persons and not more than 9 persons as determined annually by the board of directors. Voting for the Board and any other issue shall be construed as one (1) vote per residence or platted lot. Only one (1) member from a residence or platted lot shall serve on the Board at one time. Board members shall be elected to a three (3) year term. No member shall succeed him/herself without a one (1) year layoff. New directors will be elected in November and begin their terms in January.

The Board of Directors will meet on a quarterly basis on the first Tuesday nights of March, June, September, and December unless the president notifies the board of a change. Meetings must occur prior to the due date for our maintenance fees. Additional meetings may be called by the president.

Director(s) of the Board shall not miss more than two (2) meetings without notification to the Board President. After missing two (2) meetings without notification, that member may be dismissed from the board, and another member of The Association will be asked by the Board of Directors to fill the vacancy.

The Board of Directors shall be charged with the responsibility for determining the operation of The Association within the framework of the existing Declaration of Covenant and Restrictions and these bylaws.

ASSOCIATION MEETINGS: One meeting will be held per year in November. A picnic will be held in May. The dates of these meetings will be determined by the Board of Directors. If a resident cannot attend a meeting due to illness or being out of town, that resident may select a proxy to represent them. The proxy must present a signed request from the homeowner to the Board Secretary prior to the meeting. The president will see that all members are notified two weeks in advance.

OFFICERS: Officers shall be members of the Board of Directors, elected by the Board of Directors and serve one (1) year. In the event of a vacancy by a member of the Board, the Directors will appoint a member of The Association to serve the remaining term.

OFFICERS AND THEIR DUTIES ARE AS FOLLOWS:

PRESIDENT:

Preside at all meetings of The Association and the Board of Directors.

In consultation with the Board of Directors determine which committees are needed. The President will select committee chairpersons from the Board.

The President will ensure that each committee is fully staffed at all times. Committee members should be selected who represent the different areas of the Court, who have leadership skills, who will speak up, and

who are dedicated to maintaining property values and security. Each committee chairperson will select at least two members who are not on the board to serve on their committee.

Select a replacement in the event a chairperson resigns.

Coordinate election of Board of Directors.

Work with an attorney employed by the Homeowners Association in handling any legal action that may arise.

Mediate any disputes between officers and/or committees and advise any committee of complaints from or about Homeowners and problems in the subdivision.

Oversee the enforcement of these bylaws to ensure that the process is based on accurate information and that the enforcement is prompt, fair, consistent, and professional.

Place an agenda in the hands of Board Members at least two weeks in advance of meetings to enable the making of informed decisions.

Conduct all board and Association Board meetings according to Roberts Rules of Order.

Take whatever action is needed to cause committees to meet prior to board meetings and quarterly meetings in order to enable the members to stay in touch with their Association.

Oral motions are acceptable at meetings.

VICE PRESIDENT:

Serve in the absence of the President.

Should there be a time of emergency when the President is not physically present in the neighborhood, the Vice President is empowered to make the decisions that he or she believes are most in accord with these bylaws and that are in the best interest of the members of the Association.

Serve the remainder of the President's term if presidency becomes vacant.

Insure that all committee chairs are well informed on their specific responsibilities.

TREASURER:

Shall be appointed by the Board of Directors to serve at the discretion of the Board and may or may not be a Board member.

Prepare documents as required by the Texas Real Estate Board when a Homeowner selling their property requires such documents.

Set up bank account and keep bank updated with signatures of people approved by the Board to sign checks for the Association.

Keep accurate records and pay bills as required.

Provide a financial statement to the membership at the May and November Association meetings.

Collect the quarterly Association maintenance fees. Charge for Failure to pay fees on time: Effective July 1, 2000, a 5% penalty will be assessed to any payments past due 10 days and increased to 10% penalty if 30 days past due.

Recommend maintenance and special assessment fees for Board approval.

Work with the Finance committee. Provide chairman with necessary data for State Income Tax submission.

Bonding is not required of the treasurer.

SECRETARY:

Keep minutes of all Board and Association meetings.

Distribute all meeting minutes to Board members.

Greet new residents and provide them with association information.

Keep neighbor list up to date and provide current list to all members in the November newsletter.

Organize a system of distribution of essential materials to the membership. This system should include e-mail and walkers. The walkers are people who walk in the Court on a regular basis and who have agreed to distribute materials for the Secretary as they walk. The committee will assist the secretary in making this process work. This will be coordinated with the Chairperson of the Communication Committee.

Coordinate with all contractors and/or realtors so that prospective buyers are aware of restrictions and rules prior to putting any money down on property. (Current Homeowners selling property may need to adhere to the state real estate board's provision on selling property in a homeowners association.)

COMMITTEES AND THEIR DUTIES ARE AS FOLLOWS:

ARCHITECTURAL:

Ensure that any future construction, changes, or improvements to a present dwelling (including landscaping) shall not conflict with the Declaration of Covenants and Restrictions for Ashbury Court subdivision.

PROCEDURE FOR REQUESTING STRUCTURAL CHANGES

A member who plans to request approval to modify a structure should:

Secure a copy of the bylaws from the bylaws committee.

Read the bylaws as they apply to the desired modification.

Secure the form for architectural change from the Chair of the Architectural Committee.

Present the application to the Chair of the Architectural Committee.

The committee reviews the application.

The committee may ask for more information or explanation.

The committee forwards the application to the President and Board of Directors for their review and action.

The President notifies the requesting individual in writing of the decision of The Association.

The President makes reference to the bylaws in announcing the decision.

BYLAWS COMMITTEE:

Initially, create bylaws for the approval of the Board of The Association.

Keep the bylaws current and present any changes for review to the Board and The Association. Changes in bylaws can be considered if a petition signed by a simple majority of Homeowners (as described under Board of Directors on voting members) is presented to the Board for placement at the next Homeowners Association meeting. Approval or denial may also be obtained by balloting Homeowners in writing.

O
P
R

O
3
O
9
1

O
O
1
9
3

The committee will review any alleged infraction of the Covenant and Restrictions or bylaws. The bylaws committee then passes its recommendations along to the Board of Directors and the President.

In the event of the determination of an infraction of the rules of the Covenant and Restrictions or the bylaws, the President will communicate this decision to the offending homeowner in writing, citing the specific bylaws violated and the data surrounding the circumstances. No person other than the president shall send such a letter. The President will ensure that every avenue has been exhausted to give the offending homeowner an opportunity for voluntary compliance. It is hoped that Homeowners will abide by the bylaws and deed restrictions voluntarily.

If not the Board may take corrective action, even to file suit against the Homeowner, in order to protect the rights of the other Homeowners. In case of legal action, the Board will insist that attorney fees and court costs will be paid by the violator if they are found responsible for the infraction.

Changes in the bylaws require an 80% approval of The Association members (one vote per residence or platted lot).

The covenants, reservations, easements and restrictions contained in the deed restrictions and bylaws of Ashbury Court subdivision shall be construed to the covenants running with the land, enforceable at law or in equity, by any one or more said parties. Failure of the Ashbury Home Owners Association to enforce any restriction herein contained shall in no way be deemed a waiver of the right to do so.

Complaints about violations can be made to the Board anonymously.

STEPS AND RESPONSIBILITIES IN INITIATING AND PROCESSING A PERCEIVED VIOLATION OF THE BYLAWS:

Step 1

Who may make a complaint concerning a perceived violation?

Any member, board member or officer in good standing may report a perceived violation.

Step 2

Any member observing a violation of the bylaws should report the same to the President or to the bylaws Committee Chairperson.

Step 3

A person making a complaint must read the bylaws to determine the exact application of the bylaws to the complaint being made. The person making a complaint should provide specific data supporting the complaint being made. The person may submit the complaint to the President in writing or orally.

Step 4

The president talks to the member and seeks voluntary compliance. The president may wish to appoint a few members to join him in this step. This would be in line with appealing to the sense of responsibility of each member to the other members of The Association.

Step 5

If there is no voluntary compliance, the president may take appropriate steps.

Step 6

The president notifies the offending party in writing of the corrective action.

COMMUNICATIONS:

Prepare and distribute a newsletter to all members on a regular basis. The newsletter should include timely information that is important to members.

Coordinate all distribution with the Secretary.

Receive all calls from Association members regarding sickness or bereavement that needs to be passed on to Association members.

Notify Association members of any items or interest.

Organize a telephone tree to provide communication among officers, directors, members, and committee chairs.

SECURITY:

Basic security is provided by the Nacogdoches Police Department. However, to make the area more secure and assist in prevention of crime in the neighborhood, the following rules must be adhered to:

1. Keep garage doors closed. This also adds to the overall appearance of the subdivision.
2. It is suggested that families have no more than 2 vehicles, as this is basically a retirement community with small lots. Vehicles should be kept in the garage. If more than 2 cars, it is permissible to park in driveway, but not on the street. This, too, will add to a better appearance and also deter auto theft and vandalism.
3. Avoid parking in front of mailboxes.
4. Keep fence gates closed.
5. Maintain a neighborhood watch. Notify neighbors when you are going to be gone for an extended period of time. Neighbors keep watch for any suspicious persons or vehicles and report them to the Nacogdoches Police Department.

MAINTENANCE:

Contract for the maintenance of The Association properties and maintain enforcement thereof.

Serve in advisory capacity regarding The Association's responsibility and expense for the maintenance of all common property.

Homeowners must report any problems regarding lawn maintenance to the owner of the lawn service.

Homeowners are required to take all necessary precautions to protect trees, shrubs, sprinkler systems, lawn ornaments and lawn furniture from possible damage by the lawn maintenance equipment. Any breakable items that may impede the work of the lawn workers should be removed.

The maintenance person will oversee to insure that jobs are being done properly.

NEIGHBORHOOD APPEARANCE:

1. All property owners must pay fees that cover lawn maintenance. In the event a Homeowner chooses to do their own lawn or hire another lawn service, they are still required to pay The Association maintenance fees. The Homeowner must maintain the lawn in keeping with the other residents. It is suggested that all lawns be maintained the same day as others to keep the appearance of the subdivision uniform.
2. No structures shall be permitted in the front of homes other than that of attractive landscaping.
3. Flower beds in front of homes must be kept weeded and trimmed.

4. No toys or dangerous items shall be left laying in the front yard.
5. Deviation in architectural or decorative appearances (including painting) of homes must be cleared through the Architectural Committee.
6. No permanent flag poles in the ground are allowed.
7. If the Ashbury Court Board of Directors determines that a homeowner has placed anything in their yard for decorative purposes that are not conducive to lot appearances, a letter will be sent to the homeowner asking that it be removed.

NOISE ABATEMENT:

The neighborhood is designed for the right of undisturbed possession, and the quiet enjoyment of his or her property. All residents are asked to prevent loud noises or rowdiness that would disturb the neighborhood.

LAND USE:

1. No lots shall be used for any purpose except for single family residential purposes. The Term "residential purposes: as used herein, excludes hospitals, clinics, apartment houses, boarding houses, hotels, and commercial and professional uses whether from homes, residences or otherwise, and all such uses of lots are expressly excluded.
2. If the home owner rents or leases their home to a second party, The Association continues to hold the owner of the home responsible for compliance with the Covenants and Deed Restrictions and these bylaws.
3. No mobile homes, modular homes, manufactured homes or other such dwellings shall be constructed or moved onto any lot in the subdivision.
4. No campers, RVs or aquatic vehicles shall be parked in driveways or on streets overnight.
5. No exterior improvements shall be made on any house until plans for improvement have been cleared through the architectural committee. When such plans are approved, they must not be changed in any way except through the architectural committee's approval. The approval from the committee must be in writing.
6. All animals in the neighborhood shall be on a leash and a pooper-scooper is to be used.

SIGNS:

Security system signs of approximately 12" by 12" are acceptable.

No other signs of any kind shall be displayed to the public view on any lot except one sign of not more than fifteen (15) square feet advertising the property for sale or rent, or signs by a builder to advertise the property during the construction and sale period. An exception will be made for the occasional garage sale. This sign must conform to a five (5) square foot maximum and shall be removed at the night and at the conclusion of the garage sale.

No political signs are allowed in Ashbury Court.

Contractor signs should be removed the day after the contractor's work is finished.

A suitable sign will be kept at the entrance of Ashbury Court notifying prospective solicitors that non-invited solicitation is not allowed. The sign will be a suitable sign as not to damage the beauty of the entrance.

Solicitation from non-invited sales persons in Ashbury Court is forbidden. Homeowners, if called on by such salespersons, should ask to see their solicitation permit. If they do not have a permit, advise them that it is against the bylaws of Ashbury Court, and they should cease their activities. Even if they have a permit they are not allowed to solicit. If they refuse, the police should be called.

Realtors may put up For Sale signs.

O
P
R

O
3
O
9
1

O
O
1
9
6

COMMON AREAS:

Areas designated as common areas are those which are owned by The Association and not by individual Homeowners. Such areas are the entry to the subdivision and designated easements. These shall be under the supervision of the Board. These areas will be maintained and the cost of maintenance will be included in fees paid by the Home or property owner.

Special concerns of Association member(s) shall be delivered in writing to the President of the Board of Directors.

If a conflict arises between bylaws and Declaration of Covenants and Restrictions for Ashbury Court subdivision, the latter will prevail.

Any decision regarding land use, architectural design, or other discretionary issues may be appealed by the Homeowner to the Association.

No one outside of owners of homes in Ashbury Court can serve on committees or assist with the preparation, interpretations, or assist any board member in duties assigned them unless it be an attorney or tax professional appointed by the board of directors of Ashbury Court.

*Please note that the president is the only one who communicates the official position of The Association. This is in line with the concept that The Association improves communication by speaking with one voice.

Approved before the Board of Directors Jan 17, 2009
Date

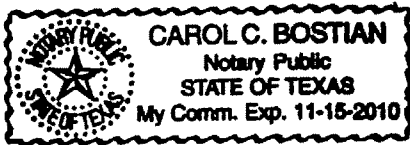
W.T. Pete Brown
W.T. Pete Brown, Chairman of the Board

THE STATE OF TEXAS

COUNTY OF NACOGDOCHES

BEFORE ME, *Carol Bostian*, on this day appeared W. T. Pete Brown, known to me to be the person whose name is subscribed to the foregoing instrument.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this *14* day of July, 2009



Carol Bostian
Notary Public for
State of Texas

Filed for Record in:
Nacogdoches County
On: Jul 17, 2009 at 09:48A
As a
Recording
Document Number: 139898
Amount: 44.00
Receipt Number - 72517
By,
Carol Wilson, County Clerk

O
P
R

O
3
O
9
1

O
O
1
9
7